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QUALCOMM INCORPORATED  
5775 MOREHOUSE DR.  
SAN DIEGO CA 92121

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**JUL 26 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Irvine, et al. :  
Application No. 10/715,572 :  
Filed: November 17, 2003 :  
Attorney Docket No. 030064 :  
For: APPARATUS AND METHOD FOR :  
MULTIPLE DESCRIPTION ENCODING :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 5, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to properly reply to the final Office action mailed June 28, 2005, which set a shortened statutory period for reply of three (3) months. A three month extension of time under the provisions of 37 CFR 1.136(a) and an amendment after final were filed on December 28, 2005. The amendment after final failed to *prima facie* place this application in condition for allowance, as was explained in the January 23, 2006 advisory action. Accordingly, the application became abandoned on December 29, 2005. The filing of the present petition precedes the mailing of a Notice of Abandonment.


Petitioners have submitted a Notice of Appeal in reply to the June 28, 2005 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the June 28, 2005 final Office action, and the required petition fee.

The statement of unintentional delay presented in the petition does not comply with the current rule. 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

**The Notice of Appeal filed May 5, 2006 has been entered and made of record. Accordingly, the 2-month period for filing the appeal brief, accompanied by the fee required by law, runs from the date of this decision.**

The application file is being forwarded to Technology Center AU 2819 to await receipt of the appeal brief.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions